

# **Madison County, Indiana Plan Commission**

---

## **Rules & Procedures**

---

# Rules and Procedures

## Preamble

WHEREAS, the Madison County, Indiana Plan Commission is required by IC 36-7-4-401(a) to (1) supervise, and make rules for, the administration of the affairs of the Commission, (2) prescribe uniform rules pertaining to investigations and hearings, (3) keep a complete record of all the departmental proceedings, (4) record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission, (5) prepare, publish, and distribute reports, ordinances, and other material relating to its activities, (6) adopt a seal, and (7) certify all official acts; and

WHEREAS, the Madison County, Indiana Plan Commission determines that its Rules and Procedures should be printed and be made readily available to all applicants and other interested persons.

NOW, THEREFORE, BE IT RESOLVED by the Madison County, Indiana Plan Commission that the following rules and procedures be adopted:

Article One:	<b>The Commission</b>	page 3
Article Two:	<b>Membership, Officers, &amp; Staff</b>	page 4
Article Three:	<b>Meetings</b>	page 7
Article Four:	<b>Petitions</b>	page 10
Article Five:	<b>Public Hearing</b>	page 11
Article Six:	<b>Final Disposition of Petitions</b>	page 16
Article Seven:	<b>Amendments &amp; Suspensions</b>	page 17

---

## Article One

# The Commission

### 1.1 Commission Establishment and Function

The Madison County Plan Commission (also referred to in these Rules and Procedures as the “Commission”) shall be established and shall function consistently with all applicable provisions of Indiana law, specifically the IC 36-7-4-200, 300, and 400 series, as periodically amended.

### 1.2 Commission Name:

The name of the Commission shall be the “Madison County, Indiana Plan Commission”.

### 1.3 Commission Seal:

The seal of the Commission shall be the seal of Madison County, adopted by the Board of County Commissioners of Madison County, Indiana.

### 1.4 Commission Office and Business Days

- A. The office of the Commission shall be the Madison County Plan Commission Office, located in the Madison County Government Center.
- B. The office shall be open to the public on specific business days as specified by the Madison County Board of County Commissioners. For the purpose of these Rules and Procedures, “business day” shall refer to such days when the offices of the Commission are open to the public for the transaction of business for the entire period of its normal operating hours, and shall exclude any day on which such offices are not open to the public for the transaction of business or any day when such offices are open for less than the normal operating hours.

### 1.5 Commission Jurisdiction

The jurisdiction of the Commission shall include all lands within Madison County, Indiana which are not incorporated as a separate municipality. Further, the Commission shall not have jurisdiction to enforce any aspect of the Madison County Zoning Ordinance in any unincorporated area for which jurisdiction has been established by a municipality consistent with the requirements of Indiana law. In no case may the Commission exercise jurisdiction over any property owned by the government of the United States of America or the State of Indiana.

## Membership, Officers, and Staff

### 2.1 Membership

The Madison County, Indiana Plan Commission shall consist of 9 members consistent with the provisions of IC 36-7-4-208.

- A. After the initial establishment of the Commission, each member shall serve a 4 year term, consistent with the provisions of Indiana law. The terms for all Commission members shall expire on the first Monday in January of the appropriate year, based on their individual date of appointment and the requirements of Indiana law.
- B. There shall be no limit to the number of terms, including consecutive terms, which members may serve.
- C. A member must be a resident of the jurisdictional area of the Commission.

### 2.2 Oath of Office:

Every newly appointed member of the Commission shall subscribe to the following oath of office either in writing, or by making a statement on the record at a Plan Commission meeting, before entering into the performance of his/her duties:

“I, \_\_\_\_\_, do solemnly swear and affirm that I will support the Constitutions of the United States and the State of Indiana, and that I will faithfully and impartially discharge my duties as a member of the Madison County, Indiana Plan Commission, according to applicable laws, and to the best of my ability.”

### 2.3 Election of Officers & Appointment of a Secretary and Attorney:

At its first regular meeting each year, the Plan Commission shall elect from its members a President, and a Vice-President.

- A. A person who receives a majority vote of the entire membership of the Commission shall be declared elected and shall serve until a new person is declared elected at the annual election the following year. There shall be no limit to the number of terms, including consecutive terms, to which the President and Vice-President may be elected.
- B. At the same meeting, the Plan Commission shall also appoint a Secretary and an Attorney, who is not required to be a member of the Commission. The Secretary and Attorney shall serve at the pleasure of the Commission and shall be appointed and dismissed by a majority vote of the entire membership of the Commission.
- C. The outgoing President shall oversee the annual process of electing officers and appointing a Secretary. Candidates for President, Vice-President, and Secretary shall be nominated by members of the Commission. Each nomination must receive a second from another Commission member in order for that candidate to be considered by the Commission. Nominations and voting for each office shall occur in the following order: President, Vice-President, then Secretary. When it appears that all nominations for each individual office are complete, the President shall oversee a roll call vote for each candidate in the order in which they were nominated. No nominations for any other office shall be considered until the previously considered office has been filled.

### 2.4 Vacancies:

- A. The Commission shall elect a President pro tempore from among its members if both the President and the Vice-President are temporarily absent or disabled.

---

# Membership, Officers, and Staff

(continued)

- B. If the office of President or Vice-President becomes permanently vacant (due to death, permanent disability, resignation, or other cause) the Commission shall elect a replacement from its membership to complete the unexpired term at the next regular meeting.
- C. If a permanent vacancy occurs among the membership of the Commission, the appointing authority shall appoint a new Commission member to complete the unexpired term of the vacating member. In no instance shall the new member assume any office held by their predecessor unless they themselves are elected to such office by the Commission consistent with these Rules and Procedures.
- D. If the Secretary is absent from any Commission meeting, the President shall appoint a temporary Secretary to serve at that meeting. If the office of Secretary becomes permanently vacant the Commission shall appoint a replacement at the next regular meeting.

## 2.5 **President:**

The President shall preside over all regular and special meetings of the Plan Commission in addition to executing the following duties:

- A. the President shall appoint the members of all necessary committees;
- B. the President shall rule on all points of procedure, subject to these Rules and Procedures, unless overruled by a majority vote of the Commission;
- C. the President shall sign all official documents on behalf of the Commission, or otherwise delegate this duty to the Secretary or Planning Director; and
- D. the President, with the Planning Director, shall be the spokesperson for all matters relevant to the Commission. All press releases and similar public statements issued by the Commission shall be provided by either the President or the Planning Director.

## 2.6 **Vice- President:**

The Vice-President shall act as President during the temporary absence or disability of the elected President. The Vice-President shall perform the duties imposed on the President until the President is able to resume his/her duties, or until the Commission elects a new President.

## 2.7 **Secretary**

The Secretary shall oversee (1) the keeping of a complete and accurate record of all proceedings and votes of the Commission, (2) the preservation of all papers and documents of the Commission, and (3) the preparation and distribution of reports, ordinances and other material related to Commission activities. The Secretary may be a member of the Commission, the Planning Director, or another member of the Commission's staff.

## 2.8 **Staff:**

The Planning Director and/or his/her assignee, and other employees of the Plan Commission shall serve as the Plan Commission staff, and shall provide technical and analytical assistance to the Commission.

- A. The Planning Director shall conduct a complete and thorough investigation of all matters that come before the Commission and may enlist, at his/her discretion, technical and professional assistance from engineers, architects and other consultants as required.

---

# Membership, Officers, and Staff

(continued)

- B. The Planning Director shall supervise the Commission's staff and administer the daily affairs of the Commission. Those daily affairs may include, but are not limited to:
  - a. keeping a complete and accurate record of all proceedings and votes of the Commission;
  - b. preparing an agenda for all Commission meetings;
  - c. providing notice of meetings to Commission members and the public;
  - d. arranging for all legal notices required for the business of the Commission;
  - e. preparing, publishing, and distributing all reports, ordinances, and other material related to the activities of the Commission;
  - f. recommending appointments to the Commission;
  - g. interviewing prospective staff members;
  - h. establishing personnel policies and office procedures;
  - i. keeping in safe custody the seal of the Commission and affixing the seal to all contracts, instruments, plats, and other documents when authorized by the Commission; and
  - j. managing all funds appropriated to the Commission through signing all purchase orders and claims, and seeing that monies are paid out in accordance with the adopted procedures of Madison County.
- C. The staff of the Commission and the Secretary (if the Secretary is not a member of the Commission) shall be hired, appointed, retained, promoted and discharged without regard to age, ancestry, disability, national origin, race, religion, sex, or sexual orientation.
- D. The officers, members, and staff of the Commission shall perform such other duties and functions as may, from time to time, be required by the Commission, these Rules and Procedures, or Indiana law.

## 2.9 Attorney

The Commission may employ an Attorney.

---

## Article Three

# Meetings

### 3.1 Regular Meetings:

The Commission shall conduct regular meetings on the 2nd Tuesday of each month at 9:00 a.m., local time, in the Commissioner's Court in the Madison County Government Center. If the date of a regular meeting falls on a legal holiday recognized by Madison County, or if it is impossible to conduct the meeting at that time or place, the President may set an alternative date, time or place for the regular meeting. The President may cancel the meeting with the consent of a majority of the Commission members. Notice of the rescheduled, relocated, or canceled meeting shall be given as required by I.C. 36-7-4-920(b) and the meeting shall be subject to the Indiana Open Door Law.

### 3.2 Special Meetings:

Special meetings shall be called by the President, upon written request to the Planning Director by 2 Commission members, or as determined by a majority of the Commission members at a regular meeting.

- A. All members shall be notified in writing of the time and place of a special meeting by the Planning Director a minimum of 3 business days prior to the date of the special meeting. Written notice of a special meeting shall not be required if (1) the date, time, and place of a special meeting is fixed at a regular meeting and (2) all members of the Commission are present at the regular meeting.
- B. Only matters included in the call for a special meeting shall be considered at that meeting.
- C. Public notice of the special meeting shall be given in the same manner as required for regular meetings.

### 3.3 Executive Sessions

The Plan Commission may meet in executive session consistent with the provisions of IC 5-14-1.5-6.1.

### 3.4 Open Meetings and Public Hearings:

All meetings and public hearings of the Commission, except executive sessions as described in section 3.3 above, shall be open to the public and petitioner(s), remonstrator(s) interested parties, and members of the general public desiring to witness the proceeding or be heard by the Commission in accordance with these Rules and Procedures.

### 3.5 Quorum:

A quorum consists of a majority of the entire membership of the Plan Commission members who are qualified to vote. No action of the Commission is official unless approved by a quorum of the Commission.

- A. No action shall be taken, decision made, or opinion expressed by the Commission unless a quorum of members are present at a properly scheduled and advertised regular or special meeting.
- B. Nothing in this section shall be interpreted as prohibiting members of the Commission from gathering at events, community happenings, or on other occasions for the purpose of socialization or the receipt of information not directly related to a matter of business pending before the Commission.

### 3.6 Conflicts of Interest:

No member of the Commission may participate in a hearing or decision of the Commission concerning any matter in which he or she has a direct or indirect financial interest. Any member with a conflict should notify the Planning Director, in writing, 3 business days prior to the hearing, and shall notify the other members of the Commission prior to the beginning of any hearing on the matter. The notification shall be entered in the Commission's records.

---

# Meetings

(continued)

## 3.7 Procedural Rules:

The most recent edition of *Robert's Rules of Order* shall govern the conduct of all meetings except to the extent that it conflicts with Indiana law and/or these Rules and Procedures.

## 3.8 Order and Courtesy:

The President or his/her designee shall preserve order and may warn any member or other person present that particular conduct is a breach of peace. If any person persists in such conduct following the warning, the President or designee may call a recess and request the assistance of local law enforcement to restore order as allowed by law.

## 3.9 Order of Business:

A. The order of business at all **regular meetings** shall be:

- a. call to order by the President;
- b. roll call of the Commission members, Secretary, and staff, and determination of a quorum;
- c. consideration of the minutes of the previous meeting;
- d. old business (any tabled or continued petitions or other items of business);
- e. new business (all new petitions and business items);
- f. communications (presentation of information by the President, any Commission member, the Secretary, and/or the staff);
- g. report(s) of officers, committees, and/or the staff; and
- h. adjournment.

B. The order of business for **special meetings** shall be:

- a. call to order by the President;
- b. roll call of the Commission members, Secretary, and staff, and determination of a quorum;
- c. the business for which the special meeting was called; and
- d. adjournment.

## 3.10 Docketing and Agenda:

A. The Planning Director shall docket all petitions and other matters for the consideration of the Commission consistent with the procedures outlined in the Madison County Zoning and Subdivision Control Ordinances, applicable provisions of Indiana law, these Rules and Procedures, and the office policies which he/she has adopted.

B. From that docket, the staff shall prepare an agenda for each meeting which meets the following requirements.

- a. The agenda shall list all items to be considered by the Commission at the regular or special meeting.
- b. The items shall be listed on the agenda in the order in which the petition or other matter was docketed by the Planning Director.
- c. The agenda shall either be sent by U.S. Mail or be hand-delivered to all members of the Commission, each petitioner or his agent, and any person, party, or group which has filed a written request to receive the agenda for that calendar year.
- d. The agenda shall be available for public inspection at the Plan Commission Office no later than 5 days business before any regular meeting.

C. At his/her discretion, the Planning Director may exclude any petition or other matter from the agenda consistent with the provisions of section 4.5 of these Rules and Procedures.

D. By a majority vote, the Commission may amend the agenda during the course of any meeting.



---

# Meetings

(continued)

## 3.11 Voting

All voting by the Commission shall be in the form of either a roll call vote, or a voice vote. Generally a roll call vote shall be used in deciding all petitions. In any instances in which a voice vote is used, any member of the Commission may make a motion requesting a roll call vote. Such roll call vote shall be taken if the motion receives a second from another member of the Commission. When voting, the President shall always be the last Commission member to vote.

## 3.12 Minutes and Record of Proceedings

The Plan Commission's staff shall maintain minutes of all Commission meetings. The minutes of each meeting shall be reviewed by the Commission at its subsequent meeting. No minutes shall be considered official until they are approved by a majority vote of the Commission and are signed by the President and the Secretary.

- A. At a minimum, the minutes shall include the names of the Commission members in attendance, the names and addresses of the petitioners, their agents, and all other persons appearing before the Commission, the docket number of all petitions heard, a description of each location which is subject to a petition or discussion, a summary of all discussion, and a record of all votes taken (including the names of the Commission members making and supporting all motions, the record of all roll call votes, and a listing of any conditions specified by the Commission and/or commitments made by any petitioner).
- B. The Planning Director shall keep a file for each petition or other matter heard by the Commission. The file shall include all forms, correspondence, drawings, public notices, and other materials related to the matter.
- C. All minutes and records of the proceedings of the Commission shall be kept in the Commission's office and shall be accessible to Commission members and the public during normal business hours.

---

Article Four  
**Petitions**

**4.1 Applications:**

Every petitioner shall complete an application obtained from the Planning Director. All submitted materials shall be consistent with the applicable provisions of the Madison County Zoning and Subdivision Control Ordinances, Indiana law, these Rules and Procedures, and the adopted office policies of the Planning Director. The petitioner may be required by the Planning Director or the Commission to submit any additional information deemed relevant for the consideration of the petition.

**4.2 Filing Requirements:**

Every petition shall be filed with the Commission consistent with the adopted Calendar of Meeting and Filing Dates.

**4.3 Required Forms and Documents:**

All applications, requests for plat approval, notices, affidavits, certificates, endorsements and instruments, and other documents submitted to the Commission must be consistent with the forms established and office policies adopted by the Planning Director and the applicable requirements of the Madison County Zoning and Subdivision Control Ordinances.

**4.4 Fees**

All applications and petitions shall be accompanied by the appropriate fees as specified on the adopted Fee Schedule.

**4.5 Docket and Agenda**

No petition shall be docketed, and therefore shall not be placed on the agenda for a Commission hearing unless all fees have been paid, all required forms have been submitted, and all materials are deemed to be consistent with the applicable provisions of the Madison County Zoning and Subdivision Control Ordinances, Indiana law, these Rules and Procedures, and the adopted office policies of the Planning Director. All petitions which are properly filed shall be docket for the appropriate meetings of the Madison County Technical Review Committee and the Commission.

## Public Hearings

### 5.1 Hearings:

The Plan Commission may conduct a public hearing as a part of any regular or special meeting if the public notice required by State law, these Rules and Procedures, and the applicable provisions of the Madison County Zoning and Subdivision Control Ordinances is provided.

- A. A public hearing is any proceeding involving the recommendation of amendments to the Comprehensive Plan, Zoning Ordinance (including the Zoning Map), or Subdivision Control Ordinance; the consideration of a subdivision preliminary plat by the Commission; the consideration of a site development plan by the Commission; or the consideration of an appeal to the Commission. It specifically does not include the Plat Committee or Technical Review Committee meetings required herein.
- B. The conduct of the public hearings shall be governed by the following:
  - a. To the extent necessary for full disclosure of all relevant facts and issues, the Commission shall provide all parties and any interested persons the opportunity to present evidence and argument, respond, and submit rebuttal evidence, except as restricted by these Rules and Procedures.
  - b. The President or his/her designee may administer oaths and rule on any offer of proof or evidence.
- C. All public hearings shall be recorded at the Commission's expense. The Commission is not required, at its expense, to prepare a transcript, unless required to do so by law. Any person, at the person's expense, may cause a reporter approved by the Commission to prepare a transcript from the Commission's record, or cause additional recordings to be made during the hearing as long as the additional recording does not cause a distraction or disruption in the opinion of the Commission President.

### 5.2 Notice Requirements:

For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this section and the applicable requirements of the Madison County Zoning and Subdivision Control Ordinances, excluding Plat Review Committee and Technical Review Committee. Required public notice shall include the following:

- A. The petitioner shall allow the staff to post on the subject property a sign giving notice of the hearing. The sign shall remain on the property until the final decision on the request is made by the Plan Commission.
- B. The petitioner shall prepare a legal notice consistent with the requirements of IC 5-3-1 for publication in a qualifying newspaper of general circulation. The legal notice shall appear in the newspaper no less than 1 time at least 10 days prior to the date of the public hearing. Legal notices shall include the following information:
  - a. the general location of the subject property and a legal description of the land which is included in the petition;
  - b. the street or common address of the real estate;
  - c. that the project plans are available for examination at the office of the Madison County Plan Commission;
  - d. that a public hearing will be held giving the date, place, and hour of the hearing; and
  - e. that written comments on the petition will be accepted prior to the public hearing and may be submitted to the Planning Director.
- C. The petitioner shall prepare and distribute written notice of the public hearing to all property owners within 2 ownerships or 500 feet of the boundaries of the subject property, whichever is

---

# Public Hearings

(continued)

less.

- a. The notice shall contain the same information as the legal notice which is published in the newspaper as outlined in section 5.2(B) above.
- b. The distribution and cost of the notice shall be the responsibility of the petitioner.
- c. The petitioner shall obtain the names and mailing addresses of those to be notified from the Property Transfer Books contained in the Madison County Auditor's Office. The names and addresses of these property owners shall be submitted to the Planning Director at the time the petition is filed.
- d. The notices shall be sent to each property owner at least 1 time, and must be postmarked a minimum of at least 10 days before the date of the public hearing. The mailing shall be via Certified Mail through the United States Postal Service. No other form of mailing shall be accepted.

## 5.3 Determination of Adjoining Property Owners:

- A. In no case shall streams, rivers, roads or other built or natural features be interpreted as being boundaries for notification if they separate the subject property from the property of those owners specified in section 5.2(C) for the receipt of notice.
- B. For the purpose of these notice requirements, where any such adjacent parcels of land are owned by the petitioner, the subject property shall be deemed to include all of the petitioner's contiguous holdings.
- C. In the case of property which has been submitted to the Horizontal Property Law (I.C. 36-1-6), each condominium unit shall be deemed one property ownership and the common area designated in the appropriate condominium instruments shall be deemed one property ownership, and notice required to be given to the co-owners of such common area may be given to the association of co-owners set forth in condominium instruments recorded in the office of the Recorder of Madison County, Indiana.
- D. For the purpose of determining the names and addresses of legal title owners, the records in the office of the Madison County Auditor which list the current owner of record at the time the notice shall be sent shall be deemed to be the true names and addresses of persons entitled to notice. If notice is sent to such persons for the purposes of the public hearing before the Commission, such notice shall be deemed proper.

## 5.4 Affidavit of Notice:

A copy of the materials provided to each property owner, and a signed and notarized Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Planning Director a minimum of 5 business days prior to the date of the public hearing.

## 5.5 Defective Notice:

If proper notice has not been given, the Commission shall continue the petition until the next regularly scheduled meeting to allow time for un-notified and/or improperly notified persons to prepare for the hearing. Personal appearances by those who were not properly notified shall waive any defect in notice, unless good cause is shown that the defect limited their ability to prepare for the public hearing.

## 5.6 Communication with Commission Members and County Departments:

- A. Written comments must be received by the staff no later than 5 business days before the hearing. The staff shall provide each Commission member a written case report describing the relevant

---

# Public Hearings

(continued)

facts of all matters pending before the Commission. Copies of relevant materials provided by the petitioner, remonstrators, or other interested parties shall be included in the case report. The staff case report may also include a written recommendation for Commission action to be taken on any pending matter. Staff case reports shall also be made available to the public a minimum of 5 business days prior to the hearing.

## 5.7 Visual Inspection:

Commission members should make a reasonable effort to visually inspect properties for which petitions have been filed.

## 5.8 Appearances:

Appearances by petitioners at public hearings shall be required consistent with the procedures outlined in the Madison County Zoning and Subdivision Control Ordinances. The petitioner and/or their agents or counsel must appear and present each petition in order for the Commission to consider the request.

- A. If no person appears on behalf of a petition, the petition may be tabled until the following regularly scheduled meeting or be dismissed at the discretion of the Commission.
- B. Remonstrators and other interested parties may appear at the meeting and make a verbal presentation or they may submit written comments to the Planning Director. Any written comments filed with the Planning Director before the hearing shall be considered by the Commission, and shall be made a part of the record of the hearing without requiring the appearance of the author. All written comments must include the author's signature, printed name, address and telephone number in order to be considered by the Commission.

## 5.9 Continuances:

All continuances for public hearings on petitions shall be subject to the following:

- A. Continuances may be requested by the petitioner, a remonstrator, an interested party, the Commission, or the Commission's staff as specified below:
  - a. The Commission may, at any time and at its own discretion, continue the hearing of any petition at any time during a public hearing prior to a vote being taken on the matter. The Commission shall specify a date to which the matter shall be continued.
  - b. The Commission's staff may request a continuance not to exceed 60 days in which to further review the petition. The staff may request a continuance at any time during the hearing of any petition, prior to a vote being taken on the matter.
  - c. An interested party may request a continuance not to exceed 60 days. The request shall include the reasons for the request, and shall be either presented in writing to the Planning Director prior to the date of the hearing or verbally during the time specified for interested party comments during the hearing.
  - d. Petitioner(s) or remonstrator(s) may request a continuance to a certain date. The request shall include the reasons for the request, and shall be either presented in writing to the Planning Director prior to the date of the hearing or verbally during the time specified for petitioner/remonstrator comments during the hearing.
- B. Requests for continuance shall generally be approved if good cause is demonstrated by the party requesting the continuance. If approving the continuance, the Commission shall specify a date to which the matter shall be continued.
- C. The Commission may determine if re-notification of adjoining property owners shall be required if a petition is continued at a hearing for which proper notice was given by the petitioner in compliance with the applicable notice requirements. However, any continuance which is granted for a

---

# Public Hearings

(continued)

time period in excess of 60 days shall require re-notification consistent with the provisions of these Rules and Procedures and the applicable requirements of the Madison County Zoning and Subdivision Control Ordinances.

- D. Petitions will be dismissed after 180 days of inaction unless good cause is shown.
- E. Generally, any party requesting a continuance should notify the Planning Director of the request prior to the date of the public hearing on the matter. The Planning Director shall inform the Commission President of all such requests prior to the start of the meeting. The President may seek the approval of the Commission to alter the agenda in order to hear all requests for continuance prior to any other business in order to expedite the meeting.

## 5.10 Amendments to a Petition:

Requests to amend a petition may be filed with the Planning Director in writing prior to the start of any public hearing, or be made orally at the hearing during the petitioner's presentation.

- A. Any remonstrators or interested parties present shall have the right to be heard on any objections they may have to a proposed amendment.
- B. It shall be within the discretion of the Commission to grant or deny any requests for amendments and to require re-notification in compliance with these Rules and Procedures. Any proposed amendment to modify additional standards or regulations shall be required to take the form of a new petition and shall meet all of the filing, notification, and other applicable requirements of these Rules and Procedures.

## 5.11 Presentations:

Public Hearings before the Commission shall proceed in the following manner:

- A. To maintain proper order, each petitioner, remonstrator, and interested party shall make their presentations without interruption by any other party. All speakers shall approach the podium when the time for their presentation is announced by the President. They shall state their name and address for the purposes of the record prior to their presentation, shall be recognized by the President prior to speaking, and shall address all comments to the Commission.
- B. All public hearings shall proceed based on the following order of events:
  - a. the President shall announce the petition as listed on the agenda and the affected area shall be located on a map of Madison County;
  - b. the Commission's staff shall present the case report describing the facts of the petition and verify for the Commission whether or not adequate public notice has been provided (petitions for which adequate public notice has not been provided shall be automatically continued until the next Commission meeting and proper notice for that meeting shall be required);
  - c. the petitioner shall present facts relating to the case, (the burden to supply all information necessary for a clear understanding of the case shall be upon the Petitioner);
  - d. each remonstrating party shall have the opportunity to present facts relating to the case;
  - e. the President shall then recognize other interested parties;
  - f. the Petitioner shall then be allowed to present rebuttal;
  - g. the Commission members and Planning Director may direct questions to any of the previous speakers, with the commission having unlimited time to consider the facts of the matter;
  - h. the staff may present a recommendation for specific action to be taken by the Commission;
  - i. the President shall call for a discussion by the Commission members; and
  - j. the President shall call for a motion. A motion shall be made and seconded, and a vote of the

---

# Public Hearings

(continued)

Commission shall occur. Any Commission member or the staff may ask for discussion to occur after the motion and before the vote for the purpose of clarifying the motion. No petitioner or other interested party may participate in this discussion.

## Final Disposition of Petitions

### 6.1 Indecisive Vote:

When a motion of the Commission fails to receive a majority vote of the Commission (whether in favor or against), and therefore does not result in an official action of the Commission, the matter shall be automatically continued, re-docketed and heard again at the next regularly scheduled meeting of the Commission.

### 6.2 Dismissal of Petitions:

The Commission may dismiss an petition for lack of action or for lack of jurisdiction. Any petition which has been dismissed by the Commission for lack of action shall not be re-filed for consideration by the Commission within a period of 1 year from the date of the dismissal, unless a majority vote of the Commission grants a request from the petitioner to allow an earlier re-filing of the petition.

### 6.3 Withdrawal of Petitions:

No petition may be withdrawn by the petitioner after a vote has been ordered by the President. No petition which has been withdrawn by the petitioner shall again be filed for consideration by the Commission within a period of 6 months from the date of withdrawal. A majority vote of the Commission may grant a request from the petitioner to allow an earlier re-filing of the petition.

### 6.4 Refiling Following Adverse Decisions:

Any petition which was denied by the Commission shall not be reheard by the Commission for the time period specified by the Zoning and/or Subdivision Control Ordinance. However, the Commission may allow any such petition to be reheard before the expiration of the waiting period if both of the following conditions are met: (1) a majority of the entire membership of the Commission votes in favor of rehearing the petition at a subsequent meeting of the Commission, and (2) the petition is filed and considered pursuant to all of the other provisions of these Rules and Procedures.

### 6.5 Certification:

Following the Commission's action on a petition the staff shall notify the petitioner of the Commission's decision in writing. For all petitions, the letter shall state the Findings of Fact which were made by the Commission consistent with the appropriate decision criteria and other requirements of the Madison County Zoning and/or Subdivision Control Ordinance and Indiana law.

- A. For all petitions which are approved, or for which a favorable recommendation is made to the Board of County Commissioners, the notice shall include the date of approval and a listing of any conditions made or commitments accepted as part of the approval.
- B. For petitions which are denied, or for which an unfavorable recommendation is made to the Board of County Commissioners, the notice shall include the date of the denial and a listing of detailed reasons for the negative finding.
- C. For all petitions with are continued, the letter shall include the date of the meeting at which the continuance was determined, the reasons for the continuance, the date at which the petition will be heard, and whether or not re-notification is required.



---

Article Seven

## Amendments and Suspensions

**7.1 Amendments:**

These Rules and Procedures may be amended by a two-thirds (2/3) vote of the membership of the Commission.

**7.2 Suspensions:**

These Rules and Procedures or any portion of them may be suspended by a two-thirds (2/3) vote of the membership of the Commission present.

**7.2 Suspensions:**

These Rules and Procedures or any portion of them may be suspended by a two-thirds (2/3) vote of the membership of the Commission present. No suspension shall continue beyond the adjournment of the meeting at which the motion to suspend was passed.

**7.3 Effective Date:**

These rules shall enter into effect immediately upon the adoption of this Resolution.

**7.4 Federal and State Law:**

Notwithstanding any other provisions of these Rules and Procedures, nothing shall require the Commission to observe any other act, or do any other thing, in contravention of any applicable Federal or state law. These Rules and Procedures shall be construed in accordance with the laws of the State of Indiana.

**7.5 Severability:**

Should any provision of these Rules and Procedures be void or unenforceable such provision shall be deemed omitted, and these Rules and Procedures, with such provisions omitted, shall remain in effect.

These Rules and Procedures are hereby adopted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
by the Madison County, Indiana Plan Commission

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary